

NOTES

The Factories Act, 1948: Part 1 - Foundational Provisions

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Background and Objective

Factories Act, 1948 has been subsumed into the Occupational Safety, Health and Working Conditions Code, 2020, effective 21 November 2025.

Parliament enacted the Factories Act, 1948 to consolidate and amend the law regulating labour in factories, replacing the earlier Factories Act of 1934.

The Act came into force on 1 April 1949, and it focused on the safety, health, welfare, and working hours of factory workers, **addressing the hazards that heavy machinery, chemical exposure, and repetitive labour create in an industrial setting.**

The Bhopal Gas Tragedy of 1984 prompted the Factories (Amendment) Act, 1987, which inserted Chapter IV-A dealing specifically with hazardous processes.

Definition of "Factory": Section 2(m)

Section 2(m) defines a "factory" as any premises, including precincts, where ten or more workers are working, or were working on any day of the preceding twelve months, and where a manufacturing process is carried on with the aid of power.

The definition also covers premises **where twenty or more workers are so working, or were working, without the aid of power.** The Section expressly **excludes a mine, a mobile unit belonging to the armed forces, a railway running shed, and a hotel, restaurant, or eating place.**

This dual threshold, **ten workers with power and twenty workers without power,** forms the basic test for whether the Act applies to a given establishment at all, and courts have consistently held that the actual carrying on of a manufacturing process, not merely the presence of machinery, triggers this definition.

Definition of "Manufacturing Process": Section 2(k)

Section 2(k) defines "manufacturing process" broadly to include making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery, or disposal.

The definition also covers pumping oil, water, sewage, or any other substance, generating, transforming, or transmitting power, composing types for printing, and preserving or storing any article in cold storage.

This expansive definition ensures that the Act captures a wide range of industrial and quasi-industrial activities, since courts have interpreted it to include processes that might not intuitively be considered manufacturing, provided the activity involves treating or adapting a substance for a specified purpose.

Definition of "Worker": Section 2(l)

Section 2(l) defines a "worker" as a person employed, directly or through any agency, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to or connected with the manufacturing process.

This definition deliberately extends **beyond direct employees to include contract labour, reflecting the 1976 amendment's recognition that factories frequently engage workers through intermediary agencies.**

Definition of "Occupier": Section 2(n)

Section 2(n) defines an "**occupier**" of a factory as the person who has ultimate control over the affairs of the factory, and where these affairs are entrusted to a managing agent, that agent is deemed to be the occupier.

Only an actual **Director** of the company can be legally held as the "Occupier" in case of a company as per **J .K. Industries Ltd. v. Chief Inspector of Factories, 1996.**

This provision fixes clear, identifiable responsibility for compliance with the Act, since it prevents diffusion of accountability across multiple layers of corporate or organisational structure.

Approval, Licensing, and Registration: Sections 6 and 7

Section 6 empowers State Governments to make rules requiring the previous permission of the Chief Inspector for the site of a factory and for the construction or extension of any factory, along with the registration and licensing of factories.

Section 7 requires the occupier to send written notice to the Chief Inspector at least fifteen days before occupying or using any premises as a factory, containing prescribed particulars regarding the factory, its manufacturing process, and the person nominated to act as occupier in their absence.

Section 7A further imposes a general duty on the occupier to ensure, so far as reasonably practicable, the health, safety, and welfare of all workers while they are at work.

Inspectors and Certifying Surgeons: Sections 8 to 10

Section 8 empowers State Governments to appoint Chief Inspectors, Inspectors, and Additional Chief Inspectors, vesting them with powers of entry, examination, inquiry, and inspection necessary to enforce the Act.

Section 9 grants Inspectors wide powers of entry into any place used as a factory, along with the power to examine records, take measurements, and require the production of documents.

Section 10 provides for the appointment of Certifying Surgeons, qualified medical practitioners responsible for examining and certifying the fitness of young persons to work in factories, and for conducting periodic medical examinations of workers exposed to health risks.

Provisions Relating to Health: Sections 11 to 20

Chapter III of the Act, spanning Sections 11 to 20, deals with the health of workers. **Section 11** requires every factory to be kept clean and free from effluvia arising from any drain or nuisance.

Section 12 addresses the *disposal of wastes and effluents*, while **Section 13** requires *effective ventilation and a reasonable temperature to protect workers from injury to health*.

[Section 14](#) deals with the *removal of dust and fume generated during the manufacturing process*, and [Section 15](#) prescribes standards for artificial humidification.

[Section 16](#) prohibits overcrowding beyond prescribed limits, and [Section 17](#) requires sufficient and suitable lighting in every part of the factory where workers are working or passing.

[Section 18](#) mandates a **sufficient supply of wholesome drinking water**, and [Section 19](#) **requires sufficient latrine and urinal accommodation, separately maintained for male and female workers.**

[Section 20](#) requires the **provision of spittoons at convenient places, reflecting the Act's comprehensive approach to basic sanitary and hygienic conditions within the workplace.**

Provisions Relating to Safety: Sections 21 to 41

Chapter IV, spanning Sections 21 to 41, deals with safety measures. [Section 21](#) requires the fencing of machinery, including moving parts of prime movers and dangerous parts of machinery, to prevent worker injury.

[Section 22](#) **restricts the work performed on or near machinery in motion to trained adult male workers wearing tightly fitted clothing**, and it prohibits women and young persons from cleaning, lubricating, or adjusting any part of machinery in motion.

[Section 23](#) prohibits **employment of any person on dangerous machines unless they have received proper instruction and either sufficient training or adequate supervision.**

[Section 24](#) requires **devices for cutting off power in case of emergency**, and [Section 27](#) **prohibits employing any woman or young person to work near cotton openers, except in specified circumstances with a partition wall protecting them from the machine.**

[Section 32](#) requires floors, stairs, and means of access to be soundly constructed and properly maintained, while [Section 33](#) requires **"Pits, sumps, openings in floors" to be securely covered or fenced.**

[Section 34](#) restricts the *maximum load a worker may lift, carry, or move, so as to avoid the risk of injury*, and [Section 36](#) prohibits entry into confined spaces containing dangerous fumes without adequate precautions.

Section 38 requires precautions against fire, including the provision of means of escape and firefighting equipment, and Section 41 empowers the Chief Inspector to require the maintenance of safety officers in specified factories **employing 1000 workers or more** carrying on hazardous processes.

Hazardous Processes: Chapter IV-A

The 1987 Amendment inserted **Chapter IV-A, spanning Sections 41A to 41H**, specifically to **address factories carrying on hazardous processes**.

Section 41A provides for the constitution of **Site Appraisal Committees** *to advise on the initial location of factories involving hazardous processes*.

Section 41B casts a *duty on the occupier to disclose information regarding dangers, including health hazards and the measures to overcome such hazards, arising from any hazardous process carried on in the factory*.

Section 41C requires the *occupier to maintain accurate and up-to-date health records of workers exposed to hazardous processes, and to appoint persons with adequate qualifications and experience to supervise such processes*.

Section 41H recognises the **right of workers to warn the Inspector directly of any imminent danger arising from a hazardous process, marking a significant departure from the ordinary chain of reporting through supervisory or managerial staff**.

This Chapter reflects the direct legislative response to the Bhopal Gas Tragedy, ensuring heightened statutory vigilance over inherently dangerous industrial operations.



The Factories Act, 1948

Part 1 – Foundational Provisions

Safe Workers | Healthy Workplaces | Sustainable Industry

From
Bhopal to
Better
Safety

1 Background and Objective

- Enacted in 1948 (replaced 1934 Act).
- Focused on safety, health, welfare & working hours of factory workers.
- Bhopal Gas Tragedy (1984) → Factories (Amendment) Act, 1987 (Chapter IV-A).
- Now subsumed in OSH Code, 2020 (from 21 Nov 2025).



2 Definition of "Factory" – Section 2(m)

- ≥ 10 workers (with power) or ≥ 20 workers (without power).
- Manufacturing process must be carried on (not just machinery).
- Excludes:** mines, mobile units (armed forces), railway running sheds, hotels/restaurants.



3 Definition of "Manufacturing Process" – Section 2(k)

- Making, altering, repairing, packing, cleaning, etc.
- Includes pumping, generating, transmitting power, cold storage, etc.
- Wide and inclusive – covers many industrial/quasi-industrial activities.



4 Definition of "Worker" – Section 2(l)

- Person employed directly or through agency/contractor.
- Includes contract labour.
- Covers work in manufacturing process or incidental work.
- Extended beyond direct employees (1976 amendment).



5 Definition of "Occupier" – Section 2(n)

- Person with ultimate control over a factory.
- Managing agent is deemed occupier.
- Only actual Director can be held as occupier (J.K. Industries Ltd. v. Chief Inspector of Factories, 1996).



6 Approval, Licensing & Registration – Sections 6 and 7

- S.6: State Govt. can require permission, registration & licensing.
- S.7: Notice to Chief Inspector (15 days before use).
- S.7A: Duty to ensure health, safety & welfare of workers.



7 Inspectors & Certifying Surgeons – Sections 8 to 10

- S.8: Appointment of Chief Inspectors, Inspectors, Additional Chief Inspectors.
- S.9: Powers of entry, examination, records, measurements, documents.
- S.10: Appointment of Certifying Surgeons (for medical fitness).



8 Health Provisions – Sections 11 to 20

- Clean premises, no effluvia (S.11).
- Waste disposal (S.12).
- Ventilation & temperature (S.13).
- Dust & fume removal (S.14).
- Humidification (S.15).
- No overcrowding (S.16).
- Lighting (S.17).
- Drinking water (S.18).
- Latrines & urinals (S.19).
- Spittoons (S.20).



9 Safety Provisions – Sections 21 to 41

- Fencing of machinery (S.21).
- Restrictions on work near moving machinery (S.22).
- No work on dangerous machines without training/supervision (S.23).
- Emergency power cut-off (S.24).
- Ban on women/young persons near cotton openers (S.27).
- Safe floors, stairs, access (S.32).
- Cover pits & openings (S.33).
- Load limits (S.34).
- No entry into confined spaces (S.36).
- Fire precautions (S.38).
- Safety officers for ≥1000 workers (S.41).



10 Hazardous Processes – Chapter IV-A (Sections 41A to 41H)

- S.41A: Site Appraisal Committees.
- S.41B: Disclosure of hazards & safety measures.
- S.41C: Health records & qualified supervisors.
- S.41H: Workers can directly warn Inspector of imminent danger.



Higher Vigilance
for Hazardous
Processes